

OLL 35-4000

Office of Legislative Liaison
Routing Slip

TO:

	ACTION	INFO
1. D/OLL		X
2. DD/OLL		X
3. Admin Officer		
4. Liaison		
5. Legislation	X	
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SUSPENSE
19 Jan 86
Date

Action Officer: []

Remarks: []

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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

December 19, 1985

LEGISLATIVE REFERRAL MEMORANDUM

LEGISLATIVE LIAISON

85-4009

OLL FILE

OMBS

Recpt #

Record

TO: Department of Justice
General Services Administration
~~Central Intelligence Agency~~

SUBJECT: H.R. 2403, requiring public buildings to comply with codes and zoning laws, as passed by the House.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than January 10, 1986.

Direct your questions to Gregory Jones (395-3454), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: David Haun

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The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING COLLECTION OF ADDITIONAL CONTRIBUTIONS FOR THE NANCY HANKS CENTER

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 2391) to authorize the Administrator of General Services to collect additional contributions of money provided to him by private individuals or organizations for the Nancy Hanks Center, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. SHAW. Mr. Speaker, reserving the right to object, I yield to the gentleman from Missouri [Mr. Young] to explain the contents of the bill.

Mr. YOUNG of Missouri. Mr. Speaker, Public Law 98-1, as amended, designating the "Nancy Hanks Center" in the old post office building on Pennsylvania Avenue in Washington, DC, stipulates that the Administrator of the General Services Administration is authorized to receive contributions from private individuals or organizations for purposes of erecting an appropriate tribute commemorating the accomplishments of Nancy Hanks through February 15, 1985. The purpose of H.R. 2391 is to allow the Administrator to continue to collect contributions through project completion.

Mr. SHAW. Mr. Speaker, further reserving the right to object, I rise in support of H.R. 2391, as amended, which would extend the time period during which private contributions may be collected for the Nancy Hanks Center located at the Old Post Office Building here in Washington, DC.

Public Law 98-1, dated February 15, 1983, authorized the Administrator of the General Services Administration to receive contributions for the purpose of erecting an appropriate tribute commemorating the accomplishments of Nancy Hanks.

This law originally gave the Administrator 6 months to receive contributions. This time period was subsequently extended to February 15, 1981, by Public Law 98-148.

The purpose of H.R. 2391 is to, again, extend the time period for which the Administrator may accept contributions until the project is completed.

As I understand it, Mr. Speaker, an advisory group has accepted the general concept of a memorial marker in the plaza pavement containing appropriate information about Nancy Hanks

and her accomplishments in the arts and historic preservation.

This legislation merely allows us to collect private contributions for this memorial and places no additional financial obligation on the Federal Government.

I urge my colleagues to support and pass this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of Public Law 98-1, as amended by Public Law 98-148, is further amended—

(1) by striking out "two years"; and
(2) inserting in lieu thereof "through project completion".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF MISSOURI

Mr. YOUNG of Missouri. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Young of Missouri: Page 1, strike out lines 3 through 7 and insert in lieu thereof the following:

That section 3(b) of the Act entitled "An Act to designate a 'Nancy Hanks Center' and the 'Old Post Office Building' in Washington, District of Columbia, and for other purposes" (Public Law 98-1), as amended by Public Law 98-148, is amended by striking out "within two years of enactment of this Act" and inserting in lieu thereof "through project completion".

Mr. YOUNG of Missouri (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri [Mr. Young].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUIRING PUBLIC BUILDINGS TO COMPLY WITH CODES AND ZONING LAWS

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 2403) to require that public buildings constructed or altered under the Public Buildings Act of 1959 comply, to the maximum extent feasible, with

nationally recognized model codes and with local zoning laws and certain other laws, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. SHAW. Mr. Speaker, I reserve the right to object.

Mr. ROBERT F. SMITH. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Speaker, I rise today in support of H.R. 2403.

I've joined with Mr. SHAW and Mr. SUNDBQUIST of the Public Works and Transportation Committee in introducing the legislation which would clarify the position of the Federal Government in complying with nationally recognized building codes, and other local requirements, such as zoning laws and building permit regulations when constructing or remodeling Federal buildings.

It would also require the Federal Government to submit plans for such projects to local building officials for review, and grant to local officials the opportunity to inspect the building during construction or alteration.

I joined my colleagues in introducing this bill as a result of several situations that arose in my 2d Congressional District. I'm told these situations like the ones I'm about to describe are not uncommon and exist throughout the country.

In Sisters, OR, the Forest Service remodeled the local district ranger building and refused to purchase a building permit or to submit site plans. Both actions are required by State and county law.

In Medford, OR, the largest city in my district and where my district office is located three problems have occurred. In the Medford Post Office, a stairwell was built that does not comply with city regulations.

Just weeks ago, the Postal Service ordered a contractor to tear out a loading dock ramp recently built because it did not meet postal service specifications. Had change orders been filed with the city, as required by local law, \$25,000, of the taxpayers dollars may have been saved. In fairness to the Postal Service, they agree a mistake was made and the individual responsible was dismissed.

The third problem in Medford involves the Forest Service again. On a remodeling project at the Rouge River National Forest vehicle repair shop, the Forest Service refused to remodel to city code, a firewall which did not meet code. This created a potential safety hazard and the city responded by issuing a "stop order" which was ignored by the contractor.

H.R. 2403 is simply aimed at eliminating the blind arrogance exhibited by Federal officers in their pursuit of Federal independence in Medford, Sis-

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ters and in similar situations around the country. This legislation simply states that federally constructed buildings comply with nationally recognized building codes and locally enforced zoning laws to protect a host community's own standards of design, safety and esthetic values.

In conclusion, Mr. Speaker, I ask my colleagues to support this bill. It comes to use from the committee by unanimous vote in the subcommittee as well as the full committee. I would also like to take this opportunity to thank the chairman and ranking member on the committee for their swift action in bringing this bill to the floor.

□ 1810

Mr. SHAW. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Missouri [Mr. Young].

Mr. YOUNG of Missouri. I thank the gentleman for yielding.

Mr. Speaker, H.R. 2403 requires that public buildings constructed or altered under the Public Buildings Act of 1959, to comply to the maximum extent feasible with nationally recognized model building codes and with local zoning laws.

The bill requires the Administrator of the General Services Administration to consult with the appropriate State or local officials, in which the building is to be constructed or altered, submit the plans in a timely manner to such officials for review, and permit inspection during construction or alteration of the building, as determined necessary by such officials.

Mr. SHAW. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Tennessee [Mr. Sundquist].

(Mr. SUNDQUIST asked and was given permission to revise and extend his remarks.)

Mr. SUNDQUIST. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of this legislation. It is my privilege to be a cosponsor with the distinguished gentleman from Florida and the distinguished gentleman from Oregon. I commend this legislation for taking into consideration local communities and local laws. I think that the Public Works Committee made the right decision.

Mr. SHAW. Mr. Speaker, further reserving the right to object, I would like to share with the House for just one moment an experience that I had with regard to working with the GSA when I was mayor of the city of Fort Lauderdale.

During that period of time the Federal Government, the GSA was constructing a Federal courthouse in the city of Fort Lauderdale. We knew at that time that we had no authority to come on the job and review the plans, but we offered as a courtesy to review the plans and give whatever information that we thought might be helpful

to the Federal Government, knowing full well that they could go ahead and construct the building the way they wished.

What they did not know is that they were constructing the building over an underground river. Had they come to the building department and we had an opportunity to review the plans, we would have found out that that was going to cause them a problem, and we could have also advised them that in south Florida it is not wise to construct a basement under a Federal building, particularly if it happened to be over an underground river.

Mr. Speaker, I would also like to thank the chairman of the subcommittee for his full cooperation and assistance in moving this bill. I thank the chairman of the full committee also. We worked in a very bipartisan manner to move this bill. It is also a bill that has been endorsed by the administration. GSA has signed off on it, and I would urge its adoption.

Mr. Speaker, at this point I yield to the gentleman from New Jersey [Mr. Howard].

(Mr. HOWARD asked and was given permission to revise and extend his remarks.)

Mr. HOWARD. I thank the gentleman for yielding to me.

Mr. Speaker, I just take this time, as chairman of the full committee, to commend the gentleman from Missouri and the gentleman from Florida for the work that they have done, not only here today, but throughout the year.

Many of these bills come up here from our Public Buildings and Grounds Subcommittee; they are handled expeditiously and many people may think that that is because they were not difficult at all. I would just like to say that an awful lot of time goes into the preparation of these bills, and it is only due to the cooperative and excellent work of these Members and the Members of that subcommittee that we are able to handle these so expeditiously on the floor.

I did not want this time to go by after the passage of these five pieces of legislation without expressing my gratitude and appreciation to the gentleman from Missouri and the gentleman from Florida and the subcommittee Members for all the work that they have done so very, very well during this first session of this Congress.

Mr. SHAW. I thank the gentleman for his kind remarks.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Pennsylvania [Mr. Gray].

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the remarks of our very outstanding chairman, Mr. Howard. Having been chairman of this subcommittee myself for many years, I know it is in many cases a thankless job, and I know the gentleman from Missouri

has done an outstanding job. I want to commend him publicly and also the gentleman from Florida and Mr. SNYDER, the ranking minority member. We have one of the most cooperative, smooth-working committees in the House. I did not want the occasion to go by without publicly commending these gentlemen.

Mr. SHAW. I thank the gentleman for those kind remarks.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end thereof the following:

"Sec. 19. (a) Each public building constructed or altered under this Act shall be constructed or altered, to the maximum extent feasible, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes. Such other codes shall include, but not be limited to, electrical codes, fire and life safety codes, and plumbing codes, as determined appropriate by the Administrator. In carrying out this subsection, the Administrator shall use the latest edition of the nationally recognized codes referred to in this subsection.

"(b) Each public building constructed or altered under this Act shall be constructed or altered, to the maximum extent feasible, in compliance with all requirements (other than procedural requirements) of—

"(1) zoning laws, and
"(2) laws relating to landscaping, open space, parking, minimum distance of a building from the property line, maximum height of a building, historic preservation and esthetic qualities of a building, and other similar laws,

of a State or a political subdivision of a State that would apply to such building if it were not a public building.

"(c)(1) For purposes of meeting the requirements of subsection (a) and (b) with respect to a public building, the Administrator shall—

"(A) in preparing plans for such building, consult with appropriate officials of the State or political subdivision, or both, in which the building is to be constructed or altered;

"(B) submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding two months; and

"(C) permit inspection by such officials during construction or alteration of the building, as determined necessary by such officials in accordance with the usual schedule of inspections for construction or alteration of buildings in the locality.

"(2) Nothing in this section shall impose an obligation on any State or political subdivision to take any action under paragraph (1).

"(d) Appropriate officials of a State or a political subdivision of a State may make recommendations to the Administrator concerning measures necessary to meet the requirements of subsections (a) and (b). Such officials may also make recommendations to the Administrator concerning measures that

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should be taken in the construction or alteration of a public building to take into account local conditions. The Administrator shall give due consideration to any such recommendations.

"(e) No action may be brought against the United States and no fine or penalty may be imposed against the United States for failure to meet the requirements of subsection (a) or (b) of this section or for failure to carry out any recommendation under subsection (d).

"(f) The United States shall not be required to pay any amount for any action taken under this section by a State or a political subdivision of a State.

"(g) This section applies to—

"(1) any public building for which a prospectus for construction or alteration is transmitted to Congress under section 7 after the date of enactment of this section, and

"(2) any public building for which planning for a project for construction or alteration not requiring a prospectus under section 7 is begun after the date of enactment of this section."

"(b) Nothing in the amendment made by subsection (a) shall be construed to affect the authorities granted in sections 5, 6, and 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g, and 403j).

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. YOUNG OF MISSOURI

Mr. YOUNG of Missouri. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Young of Missouri: Strike out all after the enacting clause and insert:

H.R. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end thereof the following:

"Sec. 19. (a) Each public building constructed or altered under this Act shall be constructed or altered, to the maximum extent feasible, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes. Such other codes shall include, but not be limited to, electrical codes, fire and life safety codes, and plumbing codes, as determined appropriate by the Administrator. In carrying out this subsection, the Administrator shall use the latest edition of the nationally recognized codes referred to in this subsection.

"(b) Each public building constructed or altered under this Act shall be constructed or altered, to the maximum extent feasible, in compliance with all requirements (other than procedural requirements) of—

"(1) zoning laws, and

"(2) laws relating to landscaping, open space, parking, minimum distance of a building from the property line, maximum height of a building, historic preservation, and esthetic qualities of a building, and (other similar laws.)

of a State or a political subdivision of a State that would apply to such building if it were not a public building.

"(c)(1) For purposes of meeting the requirements of subsections (a) and (b) with respect to a public building, the Administrator shall—

"(A) in preparing plans for such building, consult with appropriate officials of the State or political subdivision, or both, in which the building is to be constructed or altered;

"(B) submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding two months; and

"(C) permit inspection by such officials during construction or alteration of the building, in accordance with the usual schedule of inspections for construction or alteration of buildings in the locality.

"(2) Nothing in this section shall impose an obligation on any State or political subdivision to take any action under paragraph (1).

"(d) Appropriate officials of a State or a political subdivision of a State may make recommendations to the Administrator concerning measures necessary to meet the requirements of subsections (a) and (b). Such officials may also make recommendations to the Administrator concerning measures that should be taken in the construction or alteration of a public building to take into account local conditions. The Administrator shall give due consideration to any such recommendations.

"(e) No action may be brought against the United States and no fine or penalty may be imposed against the United States for failure to meet the requirements of subsection (a) or (b) of this section or failure to carry out any recommendation under subsection (d).

"(f) The United States and its contractors shall not be required to pay any amount for any action taken under this section by a State or a political subdivision of a State.

"(g) This section applies to any public building for which a prospectus for construction or alteration is transmitted to Congress under section 7 after the date of enactment of this section.

"(h) This section shall not apply with respect to any public building if the Administrator determines that the application of this section to such building would adversely affect national security. Any determination under this subsection shall not be subject to administrative or judicial review."

"(b) Nothing in the amendment made by subsection (a) shall be construed to affect the authorities granted in sections 5, 6, and 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f, 403g, and 403j).

Mr. YOUNG of Missouri (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. Young).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY THE
SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that legislative business will resume later on.

The Chair will recognize Members for any unanimous-consent requests, as well as special orders.

GENERAL LEAVE

Mr. RUDD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 336, the rule providing for consideration of H.R. 3838, the Tax Reform Act of 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

□ 1820

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COUGHLIN] is recognized for 5 minutes.

[Mr. COUGHLIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HYDROGEN RESEARCH AND
DEVELOPMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, today I am introducing a new bill entitled the Hydrogen Research and Development Act. Hydrogen, one of the most abundant elements found in nature has long been considered a potential energy source as our petroleum and petroleum-based fuels become increasingly scarce and expensive. From a technical as well as a societal perspective, hydrogen presents numerous benefits. The main combustion product is water, rather than the carbon dioxide produced by fossil fuels. Thus, it is environmentally very attractive. It is extremely energy efficient, providing more than double the energy per pound than conventional fuels. When coupled with other renewable energy systems, it can provide a convenient form of storing and delivering energy without major alterations in our current transportation and energy infrastructure. It is safe, being far less volatile than ordinary gasoline.

We currently use hydrogen as a fuel as part of the space shuttle program. In looking to the future, it appears that hydrogen appears more and more attractive as a potential aviation fuel. Hearings held last summer by the Committee on Science and Technology to explore the viability of new hypersonic air/space-craft indicated that